



February 22, 2002

ENGROSSED SENATE BILL No. 246

DIGEST OF SB 246 (Updated February 19, 2002 5:49 PM - DI 107)

Citations Affected: IC 12-17.2; IC 31-33; IC 35-46; noncode.

Synopsis: Child care providers and reckless supervision of a child. Prohibits reimbursement through the federal Child Care and Development Fund (CCDF) voucher program and licensure of certain child care providers based on criminal histories of providers, employees, volunteers, and household members. Adds minimum eligibility standards for child care providers participating in the CCDF voucher reimbursement program and provides for administrative review of CCDF voucher reimbursement. Provides that a child care provider who recklessly supervises a child who is seriously injured as a result of the provider's reckless supervision commits reckless supervision of a child, a Class D felony, and if the child dies, the provider commits reckless supervision of a child resulting in death, a Class C felony. Prohibits voucher payments for a person convicted of operating a child care home or child care center without a license. Includes grounds for denying an application for or revocation of a child care home or child care center license.

Effective: July 1, 2002.

Lawson C, Waterman, Breaux

(HOUSE SPONSORS — CRAWFORD, BUDAK)

January 7, 2002, read first time and referred to Committee on Health and Provider Services.

January 24, 2002, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed.

January 31, 2002, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Human Affairs.

February 21, 2002, amended, reported — Do Pass.

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February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 246

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-4, AS ADDED BY P.L.247-2001,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4. A provider who:

4 (1) has been convicted of a:

5 (A) felony; ~~or~~

6 (B) misdemeanor related to the health or safety of a child;

7 (C) misdemeanor for operating a child care center without
8 a license under IC 12-17.2-4-35; or

9 (D) misdemeanor for operating a child care home without
10 a license under IC 12-17.2-5-35; or

11 (2) fails to meet the requirements set forth in sections 5 through
12 ~~12 12.1~~ of this chapter;
13 is ineligible to receive a voucher payment.

14 SECTION 2. IC 12-17.2-3.5-4.1 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2002]: **Sec. 4.1. (a) As used in this section,**
17 **"individual" means:**

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(1) a provider;

(2) if a provider provides child care in the provider's home, an individual who resides with the provider and who is at least eighteen (18) years of age; or

(3) an individual who is employed at the facility where a provider provides child care.

(b) If information obtained by a voucher agent under IC 31-33-17-6(7) indicates that an individual has been named as an alleged perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider provides child care in the provider's home.

(3) A provider that employs the individual at the facility where the provider provides child care.

SECTION 3. IC 12-17.2-3.5-5, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. A provider shall have:

(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and

(2) running water;

in the area of the facility where the provider provides child care.

SECTION 4. IC 12-17.2-3.5-10, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) A facility where a provider provides child care must have two (2) exits that:

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(b) A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with ~~Article 13 of the Indiana fire code~~ the rules of the fire prevention and building safety commission; and

(B) that include complete evacuation of all:

(i) children; and



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- (ii) adults who provide child care;
in the facility;
- (2) maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including:
 - (A) the date and time of the fire drill;
 - (B) the name of the individual who conducted the fire drill;
 - (C) the weather conditions at the time of the fire drill; and
 - (D) the amount of time required to fully evacuate the facility; and
- (3) maintain a two and one-half (2 ½) pound or greater ABC multiple purpose fire extinguisher:
 - (A) on each floor of the facility; and
 - (B) in the kitchen area of the facility;

in each facility where the provider provides child care.

SECTION 5. IC 12-17.2-3.5-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11.1. (a) A provider shall maintain and annually update documentation provided by the physician of each child who is cared for in a facility where the provider provides child care that the child has received complete age appropriate immunizations as determined by the state department of health.

(b) A provider meets the requirement of subsection (a) if:

(1) a child's parent:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's objection; or

(2) the child's physician provides documentation of a medical reason that the child should not be immunized;

and the provider maintains and annually updates the documentation provided by the parent or physician under this subsection.

SECTION 6. IC 12-17.2-3.5-12, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of a limited criminal history for:

(1) the provider;

(2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and



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(3) any individual who is employed at the facility where the provider provides child care.

(b) In addition to the requirement under subsection (a), a provider shall report to the voucher agent any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed on a limited criminal history provided under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the limited criminal history required under subsection (a) from the state police department if:

(1) the provider:

(A) has applied for the limited criminal history required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency; and

(2) the local criminal history does not reveal that an individual has been convicted of a:

(A) felony;

(B) misdemeanor related to the health or safety of a child;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a limited criminal history is required under this section has been convicted of a:

(1) felony;

(2) misdemeanor related to the health or safety of a child;

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

until the individual is dismissed from employment at the facility or no longer resides with the provider.

SECTION 7. IC 12-17.2-3.5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 12.1. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of drug**



testing results for:

- (1) the provider;
- (2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is at least eighteen (18) years of age; and
- (3) an individual who is employed at the facility where the provider provides child care.

(b) If the drug testing results provided under subsection (a) indicate the presence of an illegal controlled substance, the provider is ineligible to receive a voucher payment.

SECTION 8. IC 12-17.2-3.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) Notice of a determination made under this chapter must be provided under IC 4-21.5-3-6.

(b) A person affected by a determination made under this chapter may seek administrative review under IC 4-21.5-3-7.

SECTION 9. IC 12-17.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

- (1) has not been convicted of:
 - (A) a felony; ~~or~~
 - (B) a misdemeanor relating to the health ~~and~~ or safety of children; ~~and~~
 - (C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
 - (D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

- (A) a felony; ~~or~~
- (B) a misdemeanor relating to the health ~~and~~ or safety of children;
- (C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or



consents for the division to conduct a criminal history check.

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

SECTION 10. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant.

(2) A criminal conviction of **the applicant, or of an employee or a volunteer of the applicant, of any of the following:**

(A) A felony.

(B) A misdemeanor related to the health ~~and~~ or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 11. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee.

(2) A criminal conviction of **the licensee, or of an employee or**

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a volunteer of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 12. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony; ~~or~~

(B) a misdemeanor relating to the health ~~and~~ or safety of children; ~~and~~

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) charged with:

(A) a felony; ~~or~~

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(B) a misdemeanor relating to the health ~~and~~ or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to conduct a criminal history check on the applicant and the applicant's spouse.

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees, volunteers, and all household members who are:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of each criminal history check.

SECTION 13. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. **(a)** The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant.

(2) A criminal conviction of the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health ~~and~~ or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35.

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(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 14. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee.

(2) A criminal conviction of **the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of any of the following:**

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the

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1 licensee; or
 2 **(B) member of the licensee's household is no longer a**
 3 **member of the licensee's household;**
 4 **the criminal conviction of the former employee, former volunteer,**
 5 **or former member does not require revocation of a license.**

6 SECTION 15. IC 31-33-17-6, AS AMENDED BY P.L.36-2001,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2002]: Sec. 6. Upon request, a person or an organization may
 9 have access to information contained in the registry as follows:

10 (1) A law enforcement agency or local child protective service
 11 may have access to a substantiated report.

12 (2) A person may have access to information consisting of an
 13 identifiable notation of a conviction arising out of a report of child
 14 abuse or neglect.

15 (3) Upon submitting written verification of an application for
 16 employment or a consent for release of information signed by a
 17 child care provider, a person or an agency may obtain the
 18 following information contained in the child abuse registry
 19 regarding an individual who has applied for employment or
 20 volunteered for services in a capacity that would place the
 21 individual in a position of trust with children less than eighteen
 22 (18) years of age or regarding a child care provider who is
 23 providing or may provide child care for the person's child:

24 (A) Whether a child was found by a court to be a child in need
 25 of services based on a report of child abuse or neglect naming
 26 the applicant, volunteer, or child care provider as the alleged
 27 perpetrator.

28 (B) Whether criminal charges were filed against the applicant,
 29 volunteer, or child care provider based on a report of child
 30 abuse or neglect naming the applicant, volunteer, or child care
 31 provider as the alleged perpetrator.

32 (C) Whether a court has issued an arrest warrant for the
 33 applicant, volunteer, or child care provider based on a report
 34 of child abuse or neglect in which the applicant, volunteer, or
 35 child care provider is named as the alleged perpetrator.

36 (4) A person may have access to whatever information is
 37 contained in the registry pertaining to the person, with protection
 38 for the identity of:

39 (A) the person who reports the alleged child abuse or neglect;
 40 and

41 (B) any other appropriate person.

42 (5) A person or an agency to whom child abuse and neglect

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reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) A voucher agent (as defined in IC 12-17.2-3.5-2) may have access to the following information contained in the registry regarding an individual (as defined in IC 12-17.2-3.5-4.1) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The voucher agent shall not disclose information obtained under this subdivision.

SECTION 16. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. (a) As used in this section, "child care" means providing for the care, health, safety, and supervision of a child's social, emotional, and educational growth.**

(b) As used in this section, "child care provider" means a person who provides child care in or on behalf of:

(1) a child care center licensed under IC 12-17.2-4; or



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1 (2) a child care home licensed under IC 12-17.2-5.

2 (c) If:

3 (1) a child care provider recklessly supervises a child; and

4 (2) as a result of the child care provider's reckless supervision,
5 the child experiences serious bodily injury;

6 the child care provider commits reckless supervision of a child, a
7 Class D felony.

8 (d) If:

9 (1) a child care provider recklessly supervises a child; and

10 (2) as a result of the child care provider's reckless supervision,
11 the child dies;

12 the child care provider commits reckless supervision of a child
13 resulting in death, a Class C felony.

14 SECTION 17. [EFFECTIVE JULY 1, 2002] IC 12-17.2-3.5-10, as
15 amended by this act, applies to a provider that begins receiving
16 voucher payments after June 30, 2002.

17 SECTION 18. [EFFECTIVE JULY 1, 2002] IC 35-46-1-4.5, as
18 added by this act, applies only to crimes committed after June 30,
19 2002.

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SENATE MOTION

Mr. President: I move that Senator Waterman be added as coauthor of Senate Bill 246.

LAWSON C

SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 246.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 246 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, strike "or".

Page 1, line 7, delete "or".

Page 1, between lines 7 and 8, begin a new line double block indented and insert:

"(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; or".

Page 1, line 9, strike "12" and insert "**12.1**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 12-17.2-3.5-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 4.1. (a) As used in this section, "individual" means:**

(1) a provider;

(2) if a provider provides child care in the provider's home, an individual who resides with the provider and who is at least eighteen (18) years of age; or

(3) an individual who is employed at the facility where a provider provides child care.

(b) If information obtained by a voucher agent under IC 31-33-17-6(7) indicates that an individual has been named as an alleged perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider provides child care in the provider's home.

(3) A provider that employs the individual at the facility where the provider provides child care.

SECTION 3. IC 12-17.2-3.5-5, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. A provider shall have:**

(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and

(2) running water;

in the area of the facility where the provider provides child care.

SECTION 4. IC 12-17.2-3.5-10, AS ADDED BY P.L.247-2001,

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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) **A facility where a provider provides child care must have two (2) exits that:**

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(b) A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with ~~Article 13 of the Indiana fire code~~ the rules of the fire prevention and building safety commission; and

(B) that include complete evacuation of all:

(i) children; and

(ii) adults who provide child care;

in the facility;

(2) maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including:

(A) the date and time of the fire drill;

(B) the name of the individual who conducted the fire drill;

(C) the weather conditions at the time of the fire drill; and

(D) the amount of time required to fully evacuate the facility; and

(3) maintain a two and one-half (2 ½) pound or greater ABC multiple purpose fire extinguisher:

(A) on each floor of the facility; and

(B) in the kitchen area of the facility;

in each facility where the provider provides child care.

SECTION 5. IC 12-17.2-3.5-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11.1. (a) **A provider shall maintain and annually update documentation provided by the physician of each child who is cared for in a facility where the provider provides child care that the child has received complete age appropriate immunizations as determined by the state department of health.**



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(b) A provider meets the requirement of subsection (a) if:

(1) a child's parent:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's objection; or

(2) the child's physician provides documentation of a medical reason that the child should not be immunized;

and the provider maintains and annually updates the documentation provided by the parent or physician under this subsection."

Page 2, line 25, delete "or".

Page 2, line 26, delete "child." and insert "**child**";

Page 2, between lines 26 and 27, begin a new line double block indented and insert:

"(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35."

Page 2, line 30, delete "or".

Page 2, between lines 31 and 32, begin a new line block indented and insert:

"(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;"

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 7. IC 12-17.2-3.5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.1. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of drug testing results for:

(1) the provider;

(2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is at least eighteen (18) years of age; and

(3) an individual who is employed at the facility where the provider provides child care.

(b) If the drug testing results provided under subsection (a) indicate the presence of an illegal controlled substance, the provider is ineligible to receive a voucher payment.

SECTION 8. IC 12-17.2-3.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) Notice of a determination



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made under this chapter must be provided under IC 4-21.5-3-6.

(b) A person affected by a determination made under this chapter may seek administrative review under IC 4-21.5-3-7."

Page 3, line 1, strike "or".

Page 3, line 3, strike "and".

Page 3, between lines 3 and 4, begin a new line double block indented and insert:

"(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and".

Page 3, line 5, strike "or".

Page 3, between lines 7 and 8, begin a new line double block indented and insert:

"(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;".

Page 3, between lines 24 and 25, begin a new line double block indented and insert:

"(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35."

Page 3, between lines 28 and 29, begin a new line block indented and insert:

"(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35."

Page 4, between lines 2 and 3, begin a new line double block indented and insert:

"(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35."

Page 4, between lines 6 and 7, begin a new line block indented and insert:

"(5) A determination by the division that the applicant previously operated a:

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(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35."

Page 4, line 23, strike "or".

Page 4, line 25, strike "and".

Page 4, between lines 25 and 26, begin a new line double block indented and insert:

"(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and".

Page 4, line 27, strike "or".

Page 4, between lines 29 and 30, begin a new line double block indented and insert:

"(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;".

Page 5, between lines 9 and 10, begin a new line double block indented and insert:

"(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35."

Page 5, between lines 13 and 14, begin a new line block indented and insert:

"(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35."

Page 5, between lines 35 and 36, begin a new line double block indented and insert:

"(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35."

Page 5, between lines 39 and 40, begin a new line block indented and insert:

"(5) A determination by the division that the applicant

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previously operated a:

(A) child care center without a license under IC 12-17.2-4-35; or

(B) child care home without a license under IC 12-17.2-5-35."

Page 6, after line 8, begin a new paragraph and insert:

"SECTION 15. IC 31-33-17-6, AS AMENDED BY P.L.36-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

(1) A law enforcement agency or local child protective service may have access to a substantiated report.

(2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

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(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) A voucher agent (as defined in IC 12-17.2-3.5-2) may have access to the following information contained in the registry regarding an individual (as defined in IC 12-17.2-3.5-4.1) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The voucher agent shall not disclose information obtained under this subdivision.

SECTION 16. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. (a) As used in this section, "child care" means providing for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

(b) As used in this section, "child care provider" means a person who provides child care in or on behalf of:

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- (1) a child care center licensed under IC 12-17.2-4; or
- (2) a child care home licensed under IC 12-17.2-5.

(c) If:

- (1) a child care provider recklessly supervises a child; and
- (2) as a result of the child care provider's reckless supervision, the child experiences serious bodily injury;

the child care provider commits reckless supervision of a child, a Class D felony.

(d) If:

- (1) a child care provider recklessly supervises a child; and
- (2) as a result of the child care provider's reckless supervision, the child dies;

the child care provider commits reckless supervision of a child resulting in death, a Class C felony.

SECTION 17. [EFFECTIVE JULY 1, 2002] IC 12-17.2-3.5-10, as amended by this act, applies to a provider that begins receiving voucher payments after June 30, 2002.

SECTION 18. [EFFECTIVE JULY 1, 2002] IC 35-46-1-4.5, as added by this act, applies only to crimes committed after June 30, 2002."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 246 as printed January 25, 2002.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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